## 10/579825 AP9 Rec'd PCHPTO 17 MAY 2006

## IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. PCT/EP2004/012076 26 October 2004 (26.10.2004) International Filing Date 19 November 2003 (19.11.2003) Priority Date(s) Claimed FINSINGER, Dirk et al. Applicant(s) (DO/EO/US) Title: PYRROLE DERIVATIVES INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98 Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Sir: This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows: Timing and Fees  $\boxtimes$ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed: П within three months of the filing date of a national application other than a CPA

within three months of the actual filing date of the national phase of a PCT application; OR

under § 1.53(d);

before the mailing of a first substantive office action (including after filing of an RCE).

Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:

a final rejection under 37 C.F.R. 1.113; termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR a notice of allowance under 37 C.F.R. § 1.311; and

•		is acco	mpanied by:
			the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
			a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
·			R. § 1.97(d), this information disclosure statement is filed after the mailing lowing actions which have not been withdrawn:
		a final	action under 37 C.F.R. § 1.113;
		termin	ation of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);
		OR a r	notice of allowance under 37 C.F.R. § 1.311;
	AND	is filed (	on or before payment of the issue fee; AND is accompanied by:
			tement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of 00 under 37 C.F.R. § 1.17(p).
Staten	nents U	<u>nder 37</u>	C.F.R. 1.97(e)
			Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
			No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.
Cited	Materia	als	
		ances	es of materials listed but not attached were cited in benefit (35 U.S.C. § 120) tor application Serial No, on Form 892 by the Examiner and/or Form by the applicant; see 37 C.F.R. § 1.98(d).
	$\boxtimes$	•	es of materials listed but not attached were cited in an international search dated January 20, 2005.
		Not re	equired by 37 CFR § 1.98.
		Copie	es of the materials listed are attached (except for the foregoing).

		An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).					
	$\boxtimes$	A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:					
		<ul> <li>X = document of particular relevance when it is taken alone</li> <li>Y = document of particular relevance when it is combined with another such</li> </ul>					
		document A = document defining the general state of the art					
		O = non-written disclosure					
		P = intercalated document					
		T = document cited to understand the theory or principle underlying the invention					
		E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date					
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		In the search report, "Seite" means page, "Seiten" means pages, "Verbindungen der Formel" means Figure of formula, "Beispele" means examples, and "das ganze Dokument" means the entire document, "Spalte" means column, "Zeile" means line, "Abbildungen" means claims, "Anspruch" means example, "Zusammenfassung" means summary, and "Tabelle" means table, and "Tabellen" means tables "in der Anmeldung erwaehnt" means cited in the application, "Schema" means scheme, "und" means and, "Absatz" means break, "Abildung" means figure.					
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	A che	ck for \$ covering the fee identified above is attached.					
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Non-English Language References

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Respectfully submitted,

Anthony J. Zelano, Reg. No. 27,969

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Attorney Docket No.: MERCK-3165

Date: May 17, 2006

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Substitute for form 1449A/PTO				Application Number 1715 STAP 1715 17 NAY 200				
•				Application Number	Unassigned	1.	-MAY	Y 2006
INFOF	RMATION	DISC	CLOSURE	Filing Date	May 17, 2006			
STATEMENT BY APPLICANT				First Named Inventor	FINSINGER, Dirk et al.			
				Group Art Unit	Unassigned			
(4	use as many she	ets as n	necessary)	Examiner Name	Unassigned			
Sheet	1	of	1	Attorney Docket Number	MERCK-3165		ノ	

U.S. PATENT DOCUMENTS								
Examiner Initials * Cite No.1		U.S. Patent Docun	nent Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document  MM-DD-YYYY			
/K.B./	1	2004138269		SUN CONNIE LE ET AL.	July 15, 2004			
/K.B./	2	2004254186			December 16, 2004			
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FOREIGN PATENT DOCUMENTS								
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Examiner Initials*	Cite No.1	Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	T⁵
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